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FISCAL IMPACT STATEMENT

LS 6521

BILL NUMBER: SB 132

NOTE PREPARED: Jan 26, 2004

BILL AMENDED:

SUBJECT: Absentee ballots.

FIRST AUTHOR: Sen. Antich

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill restricts who may assist a voter in applying for an absentee ballot and who may transmit a completed absentee ballot application to the circuit court clerk. The bill provides that a person who does certain acts with respect to an absentee ballot application or an absentee ballot commits absentee ballot fraud, a Class D felony. The bill provides that a court sentencing an individual convicted of absentee ballot fraud may suspend only that part of the sentence that is in excess of the minimum sentence. The bill provides that a judge may not enter a judgment of conviction of a Class A misdemeanor for absentee ballot fraud.

Effective Date: July 1, 2004.

Explanation of State Expenditures: *Summary:* Under the bill, an unauthorized individual that knowingly or intentionally receives, completes, assists, signs, faxes, mails, hand delivers a completed absentee ballot application, or falsely states information to entitle a voter to vote an absentee ballot by mail would commit absentee ballot fraud a Class D felony.

Under the bill, certain individuals other than the voter would be allowed to deliver or receive an absentee ballot from a voter without committing absentee ballot fraud. The following individuals may help a voter complete an absentee ballot: caretakers, household members, the voter's attorney, or an individual designated by the circuit court clerk to provide assistance.

Penalty Provision: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional

expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Under the bill, individuals charged with absentee ballot fraud may not have the crime reduced to a Class A misdemeanor by the court. Additionally, an offender convicted of absentee ballot fraud would have to serve at least the minimum sentence for a Class D felony, which would be one and one half years of incarceration, if mitigating circumstances do not outweigh aggravating circumstances.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Summary:* Under the bill, the proposed limit on individuals who may fax, mail, or hand deliver an absentee ballot on behalf of a voter may reduce the number of absentee ballots processed by either the county voter registration office or the circuit court clerk. The impact to local expenditures is unknown and would depend on the county.

Penalty Provision: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies, circuit court clerk, county voter registration office.

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